



January 29, 2016

HOUSE BILL No. 1130

DIGEST OF HB 1130 (Updated January 27, 2016 3:17 pm - DI 103)

Citations Affected: IC 9-30.

Synopsis: Ignition interlock devices. Requires the criminal justice institute (institute) to adopt rules concerning ignition interlock devices. Requires the institute, the bureau of motor vehicles, and the state police department to enter into a memorandum of understanding regarding ignition interlock devices.

Effective: July 1, 2016.

Wesco, Forestal

January 7, 2016, read first time and referred to Committee on Roads and Transportation.
January 28, 2016, amended, reported — Do Pass.

HB 1130—LS 6780/DI 96



January 29, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1130

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-30-8-3, AS AMENDED BY P.L.217-2014,
2 SECTION 131, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The director of the state
4 department of toxicology, based on the recommendation of the
5 governor's council on impaired and dangerous driving, shall adopt rules
6 under IC 4-22-2 to establish standards and specifications for a certified
7 ignition interlock device. The standards and specifications must require
8 at a minimum that the device meets the following requirements:
9 (1) Is accurate.
10 (2) Does not impede the safe operation of a vehicle.
11 (3) Provides a minimum opportunity to be bypassed.
12 (4) Shows evidence of tampering if tampering is attempted.
13 (5) Has a label affixed warning a person that tampering with or
14 misusing the device is a crime and may subject that person to
15 criminal and civil penalties.
16 (6) Provides the ability to accurately identify the user.
17 (b) After July 1, 2015, all ignition interlock devices used in Indiana

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1 must be certified under rules adopted by the state department of
2 toxicology.

3 (c) A vendor or provider may submit an application for approval of
4 an ignition interlock device in a form prescribed by the director of the
5 state department of toxicology.

6 ~~(d) The director of the state department of toxicology shall:~~

7 ~~(1) have tests conducted concerning the~~ **If testing is required to**
8 **determine whether an** ignition interlock device **complies** with
9 standards set forth by the state department of toxicology, ~~and~~

10 ~~(2) have the results of the tests evaluated by a person or entity~~
11 ~~designated by the state department of toxicology.~~

12 ~~(e) The tests required under this section the testing~~ must be
13 performed by an independent laboratory designated by the state
14 department of toxicology. The vendor shall pay any testing expenses
15 under this section.

16 ~~(f)~~ **(e)** If the director of the state department of toxicology finds that
17 the ignition interlock device complies with the standards of the state
18 department of toxicology, the director may approve the ignition
19 interlock device as a certified ignition interlock device.

20 ~~(g)~~ **(f)** The director of the state department of toxicology shall
21 provide periodic reports to the governor's council on impaired and
22 dangerous driving, including, but not limited to:

23 (1) the number of ignition interlock devices certified by the state
24 department of toxicology;

25 (2) the number of ignition interlock devices currently installed in
26 Indiana; and

27 (3) the number of ignition interlock devices rejected by the state
28 department of toxicology.

29 ~~(h)~~ **(g)** The state department of toxicology shall consider all
30 recommendations made by the governor's council on impaired and
31 dangerous driving.

32 ~~(i)~~ **(h)** The governor's council on impaired and dangerous driving
33 shall meet once a year to:

34 (1) evaluate reports submitted by the state department of
35 toxicology;

36 (2) evaluate and study ignition interlock issues;

37 (3) make recommendations to the state department of toxicology;
38 and

39 (4) make recommendations to the general assembly in an
40 electronic format under IC 5-14-6.

41 SECTION 2. IC 9-30-8-7 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2016]: Sec. 7. (a) This section applies after June 30, 2017.
(b) The Indiana criminal justice institute shall adopt rules under
IC 4-22-2 concerning the following:
(1) Service center certification and inspection.
(2) Ignition interlock technician certification.
(3) Installation of ignition interlock devices.
(4) Requirements for removing an ignition interlock device.
(5) Fees for the use of the ignition interlock devices that do not
exceed the cost of the program.
(6) Review of denial, suspension, or revocation of certification
of service centers and ignition interlock installers and
technicians.
(7) Hearing procedures for service centers or installers of
ignition interlock devices.
(8) Appeal procedures for service centers or installers of
ignition interlock devices.
SECTION 3. IC 9-30-8-8 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2016]: Sec. 8. The bureau, the Indiana criminal justice institute,
and the state police department shall enter into a memorandum of
understanding to administer this chapter and IC 9-30-6-8(d).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-30-8-3, AS AMENDED BY P.L.217-2014, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving, shall adopt rules under IC 4-22-2 to establish standards and specifications for a certified ignition interlock device. The standards and specifications must require at a minimum that the device meets the following requirements:

- (1) Is accurate.
- (2) Does not impede the safe operation of a vehicle.
- (3) Provides a minimum opportunity to be bypassed.
- (4) Shows evidence of tampering if tampering is attempted.
- (5) Has a label affixed warning a person that tampering with or misusing the device is a crime and may subject that person to criminal and civil penalties.
- (6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

~~(d) The director of the state department of toxicology shall:~~

- ~~(1) have tests conducted concerning the~~ **If testing is required to determine whether an** ignition interlock device **complies** with standards set forth by the state department of toxicology, ~~and~~
- ~~(2) have the results of the tests evaluated by a person or entity designated by the state department of toxicology.~~

~~(e) The tests required under this section the testing~~ must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.

~~(f)~~ **(e)** If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state



department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

~~(g)~~ **(f)** The director of the state department of toxicology shall provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

- (1) the number of ignition interlock devices certified by the state department of toxicology;
- (2) the number of ignition interlock devices currently installed in Indiana; and
- (3) the number of ignition interlock devices rejected by the state department of toxicology.

~~(h)~~ **(g)** The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

~~(i)~~ **(h)** The governor's council on impaired and dangerous driving shall meet once a year to:

- (1) evaluate reports submitted by the state department of toxicology;
- (2) evaluate and study ignition interlock issues;
- (3) make recommendations to the state department of toxicology; and
- (4) make recommendations to the general assembly in an electronic format under IC 5-14-6."

Page 1, line 3, after "7." insert **"(a) This section applies after June 30, 2017.**

(b)".

Page 1, delete lines 7 through 15.

Page 1, line 16, delete "(7)" and insert **"(3)".**

Page 1, delete line 17.

Page 2, line 1, delete "(9)" and insert **"(4)".**

Page 2, line 2, delete "(10)" and insert **"(5)".**

Page 2, line 4, delete "(11)" and insert **"(6)".**

Page 2, line 5, delete "certification." and insert **"certification of service centers and ignition interlock installers and technicians."**

Page 2, line 6, delete "(12)" and insert **"(7)".**

Page 2, line 6, delete "manufacturers" and insert **"service centers".**

Page 2, line 8, delete "(13)" and insert **"(8)".**



Page 2, line 8, delete "manufacturers" and insert "**service centers**".

Page 2, line 12, delete "state department of toxicology, the".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

SOLIDAY

Committee Vote: yeas 11, nays 0.

